



North Carolina Department of Health and Human Services
Division of Mental Health, Developmental Disabilities
and Substance Abuse Services

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Willie M. Section

ADMINISTRATIVE LETTER NO. 95-01

TO: Area Mental Health Program Directors
Willie M. Coordinators and Case Managers

FROM: Marci White, Chief
Willie M. Section

DATE: June 1, 1995

RE: CLASS MEMBERS IN COURT: PROTOCOL AND PROCEDURES
(Revision of Administrative Letter 89-2, 10/25/89)

PURPOSE

The purpose of this document is to provide direction for a consistent statewide approach with **Willie M.** clients who are involved in the judicial system.

POLICY

Each **Willie M.** class member appearing in court for a hearing shall be accompanied by the **Willie M.** Case Manager or other representative who will be available to tell the Court about the needs and services for the class member. *For disposition hearings or hearings where the issue of the child's placement and/or service planning is under consideration or may come under consideration (e.g., Review Hearing), a written summary and recommended plan (for services) will be submitted to the court whenever possible, by the **Willie M.** Case Manager or coordinator via the established court mechanism in the jurisdiction.* This plan will be developed by the Case Manager/Coordinator in conjunction with the Habilitation Planning Team. It will identify the class member's individual needs and recommend a service plan which combines the least restrictive treatment and habilitation settings which are appropriate in consideration of the safety needs of the both community and the class member.

*Whenever the child's status with the court is such that commitment to training school is a possible outcome, the local area program Case Manager or Coordinator shall notify the Regional Service Manager or Service Management Branch Head (if the Service Manager is unavailable). It is the Division's policy that the treatment and educational needs of **Willie M.** class members can and should be addressed in settings other than training schools. If the safety needs of both the community and the class member are addressed, there is nothing that can happen for a class member in a training school that cannot be done in another setting, and usually closer to the child's home community. Therefore, training school should not be the recommendation from the **Willie M.** system. Under no circumstance, should the local area agree to a recommendation for commitment to training school for a class member without talking with the Regional Service Manager or the Service Management Branch Head *before* going to court.*

PROCEDURE

- The **Willie M.** Case Manager and/or Coordinator, as part of his/her role with the client, will familiarize him/herself with the district court procedures and protocols as well as establish a working relationship with the local Chief Court Counselor and staff in order to ensure that planning for the **Willie M.** class member involved in the juvenile justice system will be a collaborative effort in accordance with the above policy statement.
- The **Willie M.** Case Manager and/or Coordinator will monitor the court status of all clients, keep a calendar of each client's pending court dates and purpose for hearings, and be present or arrange for representation of the local area **Willie M.** program with the client at all court hearings.
- Prior to any court hearing for Disposition or any hearing in which the issue of the child's placement or service status is subject to change (e.g., Review Hearing, Detention Hearing, etc.), the Case Manager or Coordinator whenever possible, will prepare a written report to the Court prior to the hearing, summarizing the child's status, service needs and services provided to date; offering a formulation with regards to any pending offenses or other court concerns; and outlining recommendations with regards to the decisions before the Court, using the format (not the form itself developed by the **Willie M.** Section (see attachment) or a similar format developed locally in concert with local juvenile court practices.
- The summary report and its recommendations will be based on input from the Habilitation Planning Team. This should be obtained in a planning meeting or by gathering input from team members (if a meeting is not possible) and coordinated by the **Willie M.** Case Manager/Coordinator prior to the court

hearing. In accordance with previously established practices, the Habilitation planning team shall consist of the principal providers and others involved in the case, including but not limited to: the parent/guardian and child (where appropriate); the local **Willie M.** Case Manager and/or Coordinator; the Guardian Ad Litem (GAL), if involved, the Department of Social Services (DSS) representative (if any); the **Willie M.** Regional Service Manager (when necessary); the regional Department of Public Instruction **Willie M.** consultant and/or Local Education Agency (LEA) representative; and the Court Counselor; etc. The planning meeting will focus on a review of the to determine any needed revisions with regards to services, placement, etc. and the development of a plan to present to the court.

- Service planning will focus on the development/refinement of a plan which addresses the treatment and habilitation needs of the client and the concerns of the court and community with regards to safety, etc. Whenever possible and/or appropriate, substantiating information in the form of diagnostic reports, treatment or other summary reports and/or testimony by an expert regarding the efficacy of the plan should be included or arranged.
- If the outcome of planning is a recommendation for services which are not readily (immediately) available, the plan for the court should include the specific back-up, or interim, strategies to be used until appropriate services can be put in place, including a date by which appropriate services will be in place and provided (e.g., the provision of intensive in-home services, after school, evenings and weekends, until an identified therapeutic home is trained and prepared to receive the child, etc.). Interim plans must address safety concerns of the court, as well as the basic questions before the court at the time of the hearing. If the planning outcome is a recommendation for services which the local **Willie M.** system does not have or for services which are statewide, require state level arrangement, or require state level approval or funding authorization, approval by the Regional Service Manager or Service Management Branch Head is required before presenting the plan to the court. If such a plan is not approved in advance by the State **Willie M.** Office, the court cannot rely on the plan as a statement of what **Willie M.** can actually deliver for the class member.
- When the hearing is of an emergency nature or prior notice is so short as to preclude a face-to-face meeting/staffing to discuss the client's needs, service planning recommendations, etc., the **Willie M.** Case Manager/Coordinator shall notify the key people involved in the service planning/provision for the youth and obtain input verbally or in writing via fax (or other expedient method), to incorporate them into recommendations and the written (or in emergency, verbal) report to the court prepared by the Case Manager/Coordinator.

- Upon completion and approval of the summary/plan, the Case Manager/Coordinator will disseminate copies to court personnel (e.g., the presiding judge, defense attorney, district attorney, Guardian ad Litem, etc.) and all members of the Habilitation Planning Team, maintaining a copy in the child's permanent record/file.

cc:

LEA Program Administrators

Guardians Ad Litem

Chief Court Counselors

Chief District Court Judges

Format for
COURT SUMMARY REPORT & RECOMMENDATIONS
WILLIE M. SERVICES

COURT DATE: _____ **PURPOSE:** _____

Client Name: _____ **WM ID No.** _____

DOB: _____ **Willie M. Cert. Date:** _____

Most Recent IHP Date: _____

Report prepared by: _____

Name

Title/Agency

CURRENT STATUS & FORMULATION:

Including but not limited to:

- *Child's current status with regards to court service and/or disposition issues*
- *Why the class member is before the court this date*

Description should provide a dynamic understanding of the class member's behavior and underlying determinants which form the basis for the recommendations that will follow. You are building a case. Respond to issues such as:

- *What has happened to the child and/or his/her environment that might have resulted in the current problems?*
- *Describe any circumstance in the client's past history or recent events that may have contributed to the reason the client is currently before the court.*

Willie M. INVOLVEMENT:

- *Briefly summarize the client's history with the program and describe the client's current status with regards to the **Willie M.** Program (e.g., Certified Eligible, Interim, etc.) describing in laymen's terms what this means.*
- *Include the client's current diagnoses and a brief summary of the social, psychological and educational history as well as any other domain area that has significant impact on the client's perspective and behavior, particularly as it relates to the current status.*
- *Summarize the services provided to date, describing the most recent in detail. Include a description of the intensity (e.g., "_____ participates in individual therapy 3 times per week" as opposed to "_____ is involved in individual therapy').*

CONCLUSIONS AND RECOMMENDATIONS:

- *Discuss whether the current plan of services is meeting the class member's needs.*
- *If so, describe how.*
- *If not, describe what services are needed, to what extent and in what setting they need to be provided*

Outline the **Willie M.** plan of action. Address:

- *What services are recommended to be provided?*
- *When, where, how much and by whom will these be provided?*
- *If the ideal services cannot be provided immediately, when can they be instituted and what can be provided in the meantime that most closely meets the child's needs? What has to happen in order for the service(s) to be provided?*
- *How does this plan address the child's and community's need for safety?*
- *What consequences or safeguards, if any, should be attached to the class member's involvement in the services to be provided? (e.g. probation, restitution, community service, etc)*
- *List the recommendations in numerical order with any necessary description/discussion preceding and following the recommendations listed, as appropriate.*

HABILITATION PLANNING TEAM MEMBERS:

This report and recommendations are a collaborative effort by representatives of the individual class member's Habilitation Planning Team, including current service providers. These are:

Name	Title	Agency

Approved by:

Name

Title